

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 14, 2003**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 612-616 Madison Street**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: St. Paul's Episcopal Church is petitioning for a Conditional Use Permit at 612-616 Madison Street to allow the use of two adjacent vacant lots for construction of a parking lot to provide additional parking for the church and College Hill Neighborhood School in an R-2, Low-Medium Density Single-Family Residential district. The Planning Division recommended approval of the CUP because:

- Petition agrees with the *Comprehensive Plan* which recommends traditional residential use in this area. Churches are permitted in residential areas under the terms of the Plan.
- Petition agrees with the Zoning Ordinance in that the area is zoned R-2, Low-Medium Density Single-Family Residential. Churches are permitted in residential zones upon approval of a CUP by City Council.
- Petition proposes the use of two adjacent vacant parcels for construction of a parking lot to serve the church and the College Hill Neighborhood School.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

September 10, 2003: Planning Division recommended approval of the CUP.

Planning Commission recommended approval (6-0, with one member absent) of the CUP with the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by Berkley Howell & Associates, P.C., dated June 12, 2003, and revised on July 30, 2003.
2. A subdivision plat will be submitted and approved vacating the interior lot lines.
3. Stormwater management will address water quality by using Best Management Practices ("BMPs").

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 827-1508, ext. 253

Tom Martin / 827-1508, ext. 226

Judith Wiegand / 827-1508, ext. 236

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ST. PAUL'S EPISCOPAL CHURCH FOR USE OF THE PROPERTY AT 612-616 MADISON STREET FOR PARKING, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of St. Paul's Episcopal Church at 612-616 Madison Street to allow construction of a parking lot be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by Berkley Howell & Associates, P.C., dated June 12, 2003, and revised on July 30, 2003.
2. A subdivision plat will be submitted and approved vacating the interior lot lines.
3. Stormwater management will address water quality by using Best Management Practices ("BMPs").

Adopted:

Certified:

Clerk of Council

168L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: September 10, 2003
Re: **CONDITIONAL USE PERMIT (CUP): 612-616 Madison Street**

I. PETITIONER

St. Paul's Episcopal Church, 605 Clay Street, Lynchburg, VA 24504

Representative: Berkley-Howell and Associates, P.C.

II. LOCATION

The subject property is comprised of two vacant lots, totaling 0.19 acre in size. The two lots are located behind the church on the other side of the alley behind the church.

Property Owners: St. Paul's Episcopal Church, 605 Clay Street, Lynchburg, VA 24504.

III. PURPOSE

The purpose of this petition is to allow construction of a parking lot on two adjacent vacant lots to provide additional parking for the College Hill Neighborhood School and St. Paul's Episcopal Church.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends traditional residential use in this area. Churches are permitted in residential areas under the terms of the Plan.
- Petition agrees with the Zoning Ordinance in that the area is zoned R-2, Low-Medium Density Single-Family Residential. Churches are permitted in residential zones upon approval of a CUP by City Council.
- Petition proposes the use of two adjacent vacant parcels for construction of a parking lot to serve the church and the College Hill Neighborhood School.

The Planning Division recommends approval of the CUP petition.

FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Traditional Residential uses in this area. This category has been applied to the City's older neighborhoods, generally those built before World War II and before the City was zoned. Within Traditional Residential neighborhoods, small expansions of existing uses, such as the proposed parking lot, are acceptable.
2. **Zoning.** The subject property was annexed into the City in 1852. The property has been zoned residential since 1930. The existing R-2, Low-Medium Density, Single-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that one variance will be needed for the proposed parking lot. The minimum side yard setback required for parking in a residential R-2 zone is twenty (20) feet. At the BZA meeting on August 26, 2003, the board granted a variance to allow a setback of only five (5) feet on the west side of the parcel.
4. **Surrounding Area.** There have been two items requiring City Council approval in the immediate area:
 - A petition by St. Paul's Episcopal Church for a CUP for a child care facility at 620 Madison Street, approved July 9, 2002.
 - A petition by Central City Homes for a rezoning at 717 Madison Street from R-2 to R-4, approved May 12, 2003.
5. **Site Description.** The subject property is bounded to the north by an alley and the church, to the east by the College Hill Neighborhood School, to the west by a vacant lot and then residences, and to the south by residences across Madison Street.
6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of a parking lot with 18 spaces.

7. **Traffic and Parking.** The City Traffic Engineer had no comments regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic.
 8. **Storm Water Management.** The Environmental Planner has determined that a stormwater "Best Management Practice" (BMP) will be required for water quality management. A Stormwater System Maintenance Agreement and a bond will also be required.
 9. **Impact.** This project is for construction of an 18-space parking lot to accommodate overflow parking needs for the church and school. Access to the parking lot will be through the church's main asphalt parking lot at the corner of 6th and Clay streets. The entrance to the main parking lot is off of 6th Street. Vehicles may exit through the alley onto 7th Street. The only impact of this parking lot on the surrounding neighborhood is expected to be fewer cars parked on neighborhood streets. Also, the presence of the lot adjacent to the school will be a convenience for teachers, parents, and visitors.

The site plan provides for landscaping along both sides of the proposed parking lot that will screen the lot from the school on one side and the vacant lot and residences on the other. The front of the lot that faces homes across Madison Street will have significant landscaping, both trees and shrubs. With this landscaping, the appearance of the lot is expected to be an improvement over the current appearance of the two vacant lots.

The impact on the surrounding neighborhood will be minimal.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on August 19, 2003. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of St. Paul's Episcopal Church for a conditional use permit at 612-616 Madison Street to allow the construction of a parking lot, subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by Berkley Howell & Associates, P.C., dated June 12, 2003, and revised on July 30, 2003.
2. A subdivision plat will be submitted and approved vacating the interior lot lines.
3. Stormwater management will address water quality by using Best Management Practices ("BMPs").

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official

Mr. Bernard C. Proctor, Berkley-Howell & Associates, Representative
Ms. Sandra Caselli, Petitioner

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)

PLANNING COMMISSION MINUTES
SEPTEMBER 10, 2003

Petition of St. Paul's Episcopal Church for a conditional use permit for the construction of a parking lot at 612-616 Madison Street in an R-2, Single-Family Residential District.

Mr. Martin explained that this request was to allow the construction of an eighteen-space parking lot for use by the church and the child care facility. He said there was a variance granted by the BZA on August 26 to allow a 5-foot setback instead of the required 20-foot setback. He said the site plan indicated more than adequate landscaping on both side property lines and along Madison Street. Mr. Martin said because of new requirements to treat stormwater for quality as well as quantity, Best Management Practices were proposed to be used. He added that the Planning Division recommended approval of the CUP.

Mr. Bernard Proctor, Berkley-Howell & Associates represented the petitioner. Mr. Proctor explained that the four lots involved in this petition were all owned by St. Paul's Episcopal Church. He said through a subdivision revision the interior property lines would be vacated, making it all one parcel. He added that the House at the corner of Madison and Seventh Streets was used by the sexton, and another building owned by St. Paul's was used by the College Hill Neighborhood School. Mr. Proctor said in order to provide additional parking and an additional play area the parking lot was designed for a minimum width lot, providing as many as 18 spaces, and retained 10 feet of grassy area to the east of the property. He said they had been before the Board of Zoning Appeals and the Historic Preservation Commission and had received approval from both boards.

Commissioner Moore asked about the underground water collection system.

Mr. Proctor said the parking area would be raised above grade through the retaining wall and curb. He explained that all the water collected within the lot would go through a storm sceptor then would drop in to the 48-inch pipe, which would be 20 feet long. He continued by explaining that the water would be stored in the large pipe under the parking lot and would be released at a pre-calculated rate through a 4-inch line. He said the water released through that line would go under the sidewalk and discharge into the gutter.

Commissioner Echols asked if cars could inter and exit the alley in a hurry.

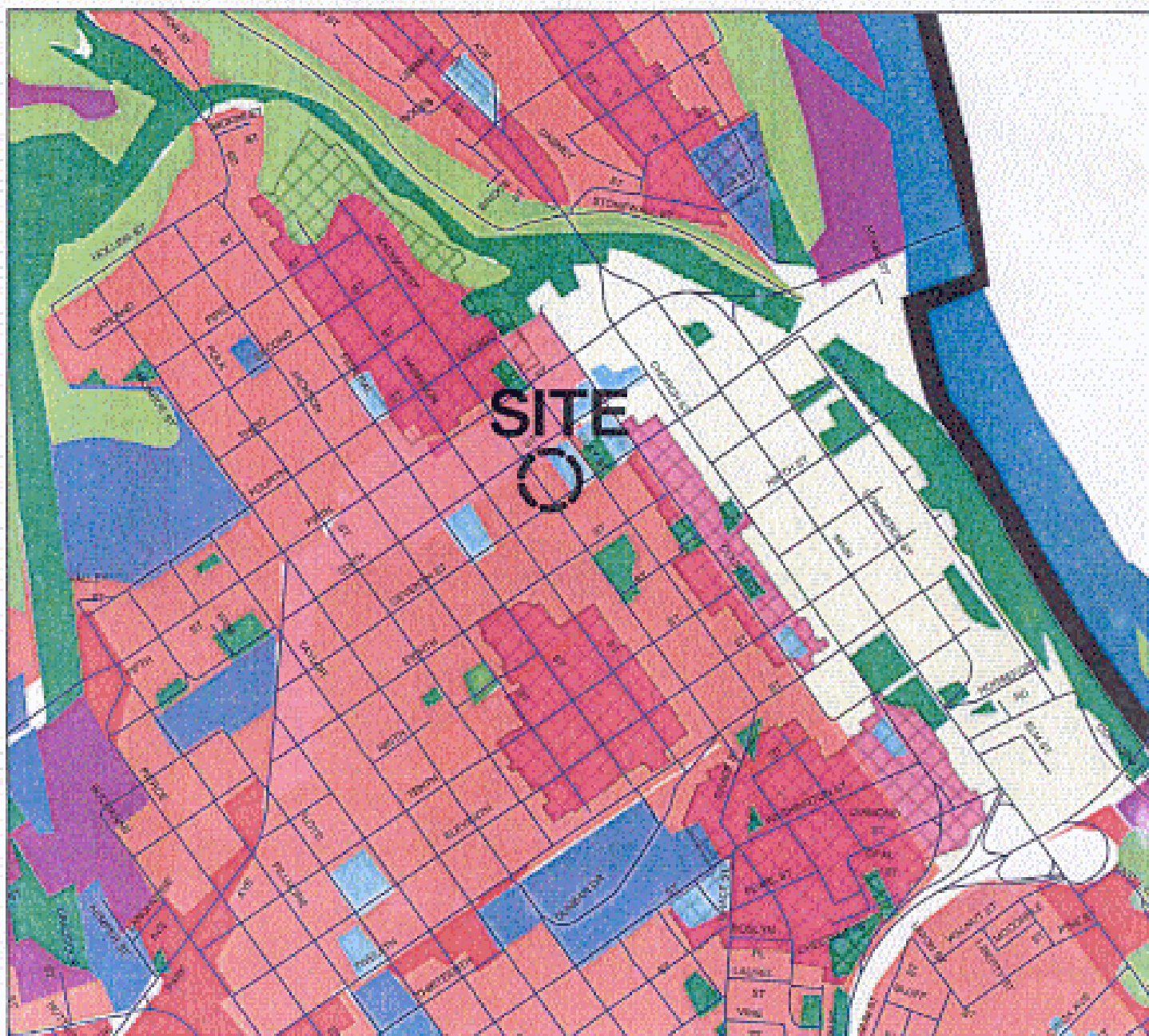
Mr. Proctor said the purpose of the parking lot was to get cars out of the alley and into the new lot.

After discussion, Commissioner Wilkins made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of St. Paul's Episcopal Church for a conditional use permit at 612-616 Madison Street to allow the construction of a parking lot, subject to the following conditions:

4. The property will be developed in substantial compliance with the site plan prepared by Berkley Howell & Associates, P.C., dated June 12, 2003, and revised on July 30, 2003.
5. A subdivision plat will be submitted and approved vacating the interior lot lines.
6. Stormwater management will address water quality by using Best Management Practices ("BMPs")."

AYES:	Dahlgren, Echols, Moore, Wilkins	4
NOES:	Pulliam, Worthington	2
ABSTENTIONS:		0



ST. PAULS EPISCOPAL CHURCH PARKING LOT 612,616 MADISON STREET LAND USE PLAN



ST. PAULS EPISCOPAL CHURCH PARKING LOT

612,616 Madison Street
Val. Map # 024-29-0007
Conditional Use Permit Request
Petitioner: St. Pauls Episcopal Church

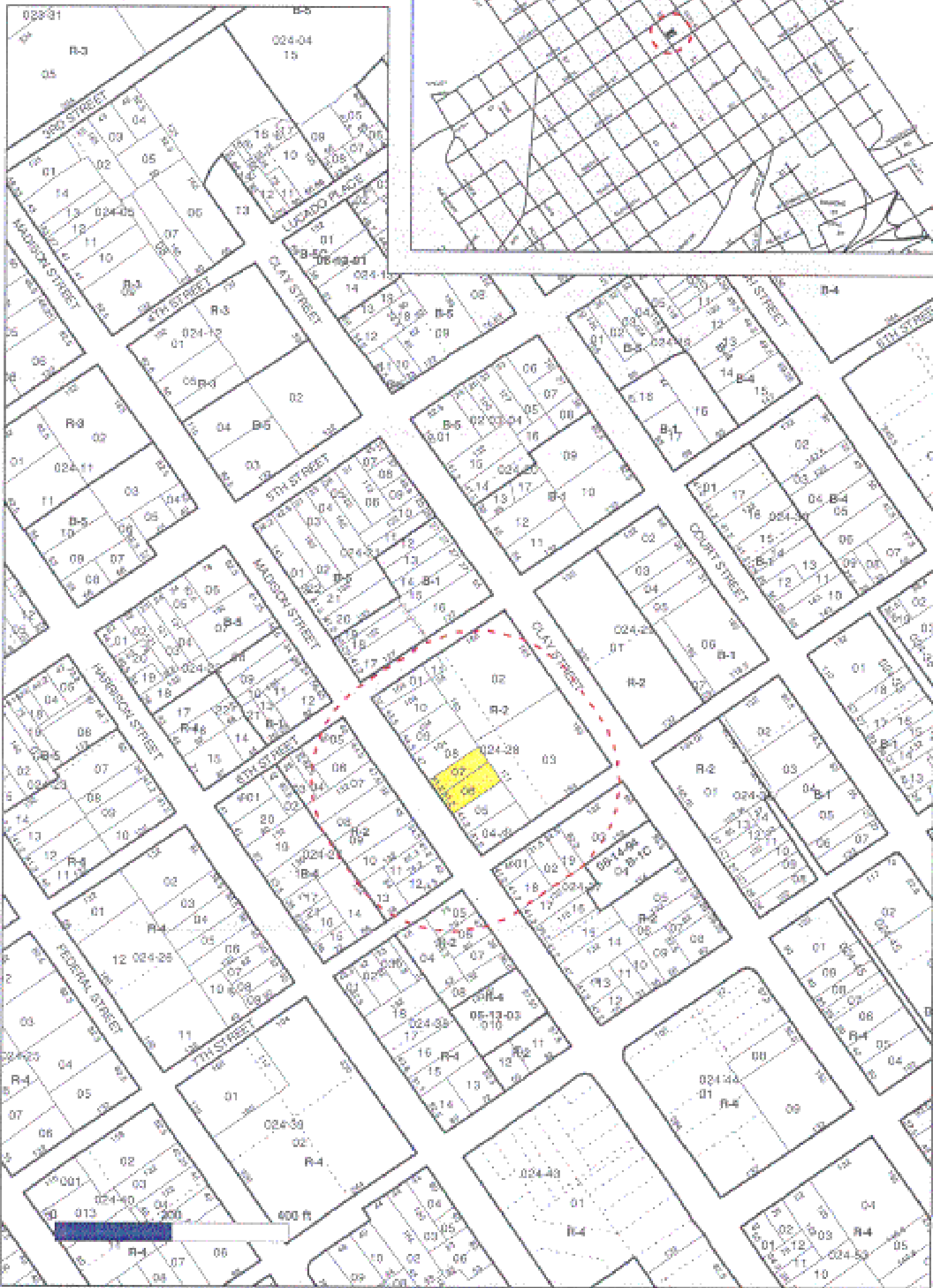
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



200 ft Radius



St. Pauls Episcopal Church Parking Lot
612, 616 Madison Street

Old ID	PIN	Owner1
2427003	2427003	HUNT, JOHNNY & ROSA P
2427004	2427004	WILLIAMS, GEORGE D & LILLIAN W
2427005	2427005	LOVING, VICTORIA T
2427006	2427006	GREATER LYNCHBURG HABITAT FOR
2427007	2427007	BROWN, ROBERT L & VERNIE W
2427008	2427008	CRANK, WILLIAM H & PATRICIA C
2427009	2427009	JOHNNSON, OLA LOUISE &
2427010	2427010	DAMERON, LOIS E
2427011	2427011	THOMAS, SHIRLEY R
2427012	2427012	BAKER, DANIEL S & SARAH E
2427013	2427013	DAMERON, ELAINE
2427014	2427014	BOOKER, DONNA T
2427018	2427018	WILSON, BETTY
2427019	2427019	WILKINSON, G L & EDLIE M
2428001	2428001	COLLEGE HILL HOMES LP
2428002	2428002	SAINT PAULS PROTESTANT EPISCOPAL
2428004	2428004	ST PAUL'S EPISCOPAL CHURCH TR
2428005	2428005	ST PAULS EPISCOPAL CHURCH TR
2428006	2428006	ST PAULS EPISCOPAL CHURCH TRUSTEES
2428007	2428007	ST PAULS EPISCOPAL CHURCH TRS
2428008	2428008	JEFFRESS, GLENDA J & LAWRENCE
2428009	2428009	JEFFRESS, GLENDA J & LAWRENCE
2428010	2428010	COLLEGE HILL HOMES LP
2437001	2437001	TERRY, TONYA C
2437002	2437002	TERRY, TONYA C
2437003	2437003	ST PAULS EPISCOPAL CHURCH TRS
2437018	2437018	LYNCHBURG NEIGHBORHOOD
2437019	2437019	PATTERSON, GONZELLA V R
2438004	2438004	ANDERSON, DARRELL & LEWIS, PRESTON R
2438005	2438005	WILLIAMS, HENRY A ETALS
2438006	2438006	HAMLETT, YVONNE D